

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

SHM BURNT STORE, LLC,

Plaintiff,

v.

Case No.: 2:20-cv-507-SPC-MRM

M/Y DOROTHY ANN and  
ROBERT SANKEY,

Defendants.

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**ORDER**<sup>1</sup>

Before the Court is Plaintiff's Notice of Voluntary Dismissal of its *In Personam* Claims against Robert Sankey under Federal Rule 41(a)(1)(A)(i). ([Doc. 33](#)). The Notice states that Sankey is deceased. Before dismissal, the Court considers whether it is necessary to substitute a party in place of Sankey. Robert Sankey's widow, Barbara Sankey, is now the legal owner of the Defendant Vessel, and has no objection to Plaintiff foreclosing its *in rem necessities* lien against the vessel. ([Doc. 26-2](#)). Under Federal Rule 25, if an interest is transferred, the action may be continued against the original parties unless a motion to substitute is filed. [Fed. R. Civ. P. 25\(c\)](#). No motion to

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<sup>1</sup> Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

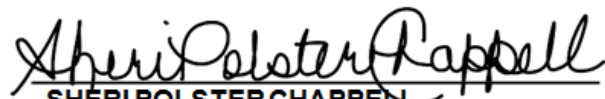
substitute has been filed; therefore, substitution is unnecessary, but the Court notes for the record that Robert Sankey is deceased. *See* [Fed. R. Civ. P. 25\(a\)\(2\)](#).

Accordingly, it is now

**ORDERED:**

Plaintiff's Notice of Voluntary Dismissal of its *In Personam* Claims against Robert Sankey ([Doc. 33](#)) is **GRANTED** as Robert Sankey is deceased. This action is **DISMISSED** as to Robert Sankey only. The Clerk is **DIRECTED** to enter judgment as to Robert Sankey and terminate him from the docket. This Order does not impact Plaintiff's claim against Defendant M/Y *Dorothy Ann*.

**DONE** and **ORDERED** in Fort Myers, Florida on February 17, 2022.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies:

All Parties of Record

Barbara Sankey, 9297 Arrid Cir., Port Charlotte, FL 33981